

City's Plan to Fight Traction Bill Not Ready

Johnson and O'Brien Are Out of Town and Proposed Court Action Is Still Held in Abeyance

Pressure on Assembly

Livingston Warns Foes It Is Party Measure; Leaders Held Responsible

With the assurance that Governor Miller's traction bill will pass the Assembly next week and quickly become law the municipal authorities were still unprepared yesterday to announce any definite course of action which they have threatened to pursue in the courts in an attempt to obstruct the proposed plan. Senator Elmer W. Johnson and Corporation Counsel O'Brien were both out of town and held the matter in abeyance. Meanwhile, some of the Republican leaders who are backing the Governor's program were putting the screws on recalcitrant Republican Assemblymen and endeavoring to whip them into line to vote for the bill when it comes before the Assembly on Tuesday. There was little hope of changing the attitude of the New York County Assemblymen, practically all of whom are opposed to the measure, but Jacob A. Livingston, Republican leader of Brooklyn, worked long and hard with the several members of the Assembly from that borough who have thus far held out against supporting the Miller bill.

Livingston Puts on Screws

Mr. Livingston held a conference with these members, including James E. Caulfield, Jr., John E. Crews, James T. Carroll, Francis X. Giacomone and John O. Copley, and told them that they were committing political suicide if they held out further against the measure. The Brooklyn leader emphasized that the measure was a party bill. In addition to putting the screws on the opposing members, it was said that Mr. Livingston conferred with the dissenting leaders from the section represented by them and told the leaders that he would hold them responsible for the actions of the representatives in the matter. Mr. Livingston, it is understood, also has had several conferences with other Assemblymen who are known to be lukewarm in support of the Governor's bill. They contend that great pressure is being brought to bear upon them by their constituents to vote against the bill.

Reports from the Interborough Rapid Transit Company for the last six months of 1920, filed with the Public Service Commission and made public yesterday, show a deficit after all fixed charges of \$2,682,790. The deficit was due entirely to the elevated lines (the Manhattan Railway Company), which amounted to \$2,804,749, while the subway and other operations showed a profit of \$181,959.

\$506,361 Elevated Deficit

For the month of January, 1921, the deficit from the elevated lines was \$506,361, while the net income from the subways and other operation was \$280,000.

Abstracts from reports of the surface line companies showed a loss for the half year (last six months of 1920) of \$1,317,780 for the New York Railway Company, a deficit of \$373,527 for the Third Avenue Railway system, including the Westchester lines; a deficit of \$112,492 for the Eighth Avenue Railroad Company; a deficit of \$77,221 for the Ninth Avenue Railway Company; a loss of \$115,052 for the Second Avenue Railroad Company and a deficit of \$80,000 for the Fourth and Madison Avenue lines.

Comptroller Charles L. Craig announced yesterday that suit had been brought against him in the Supreme Court by the Rapid Transit Construction Company, all of the stock of which is owned by the Interborough Rapid Transit Company. The suit, which is a mandamus to be issued requiring the payment by the city of \$2,260,534, which the Comptroller has refused to pay. The Comptroller explained that the action was the result of a controversy surrounding the construction of the original subway under the contract made between the city and John B. McDonald in 1900, part of which was assigned to the Interborough Rapid Transit Company, and part to the Subway Construction Company, over which claims were made by the contractor for extra work and other claims made by the city for work not done.

Craig Explains Controversy

In December, 1911, the Public Service Commission submitted to the Board of Estimate a proposed agreement to

be made with the Interborough and the construction company, under which all the controversies were to be settled by the payment of the part of the city of \$2,260,534, no part of which, however, was ever to be paid unless it should be determined by the Public Service Commission that it was necessary to provide additions to the old subway and its equipment.

Now, according to the Comptroller, the Interborough seeks to get the money, or at least \$1,750,000, to be used to pay for the new multiple unit car door control device, which has been installed on 982 cars in the subway. Comptroller Craig refused to permit the payment of this amount by the city, on the ground that the agreement under which the matter was settled was entirely superseded by the dual subway contract between the city and the Interborough, known as Contract No. 3, executed March 19, 1913. Comptroller Craig will argue the case in person for the city before Justice Gavanagh next week.

Tenant's Balm for Beating in Elevator Upheld on Appeal

Landlord Must Pay for Blows Negro Operator Dealt Dweller Asking Service, Appellate Division Rules

The Appellate Division handed down a decision yesterday which may be of far-reaching effect, in that it establishes that a tenant of an apartment house has some rights, even though such rights may be questioned or ignored by the elevator man. Also, the decision fixes the liability of the owner of an apartment house whose elevator conductor becomes belligerent and swats a tenant on the nose, which was the point involved in the case at bar. Richard Cronin lived in an apartment house owned by the Cabot Real Estate Company. He sued his landlord because Gerald Hobbs, a negro elevator runner in the building, assaulted him without provocation when Mr. Cronin asked the operator to take him to his car. The plaintiff obtained a verdict for \$2,500 in the Supreme Court against the Cabot company, the employer of Hobbs, and the Appellate Division yesterday affirmed that verdict. Mr. Cronin's account was that Hobbs arbitrarily refused to give him a ride and when he insisted the elevator man throw him off the car, struck him several times and knocked him down. Counsel for the Cabot company stated the case like this:

"The reason for the altercation was that the plaintiff himself had made the elevator operator mad by pressing the bell his car on time, which probably tends to make an operator angry and also by stating, 'That is a devil of a way to keep a tenant waiting, or, 'Why the hell didn't you stop?' So far as the defendant is concerned, the operator himself testified that Mr. Cronin said, 'Will you take me up?' and that he responded, 'Why, certainly; it is my duty to take you up.' The fact that he did take him up is corroborated by the plaintiff himself."

The landlord corporation contended further that there was no evidence to show that Hobbs was employed or authorized by his employer to assault any one. Hobbs said that Mr. Cronin struck at him and he acted merely in self-defense.

More Trading in Dwelling

Houses on Lexington Avenue James L. Van Sant bought from Jennie E. Dunn 2013 to 2017 Lexington Avenue, three three-story dwellings, 14.5x60 each. Shaw, Rockwell & Sanford were the brokers.

Frank L. Fischer Company sold for

Gustave Dauter the four-story dwelling 136 East Ninety-fifth Street, 18x100, to Isaac Cohen.

J. Pierpont Morgan's West

Island Estate Leased

J. Pierpont Morgan's West Island estate has been leased for five years by Harrison Williams. The property was formerly owned by Paul Dana and is noted for its superb location on Long Island Sound and elaborate planting of rare old trees and shrubs. The estate is near Glen Cove and comprises about twenty acres, with a Long Island Colonial house, garage, stables, etc. Cocks & Willets were the brokers in the transaction.

Invests in Bronx Realty

Edward Polak, Inc., sold for a Mr. Landau to a Mr. Allenson 1675 Eastburn Avenue, a three-family house, 25x95, and for Yankane Realty Company to a Mrs. Fine, 990 Findlay Avenue, a two-family house, 19.6x102.

Albert H. Stout sold for the Palm

estate 425 Pleasant Avenue, a three-story dwelling, 18x100.

E. Osborne Smith has sold for a client of Otterbourg, Steindler & Houston, the dwelling 203 East 189th Street, 60x125, to John Bothwell.

Real Estate News

Fifth Avenue Building Sold By Fred Brown

Connecticut Realty Figures in Deal for Ten-Story Structure; Van Ingen Estate Sells in 21st Street

The ten-story commercial structure at 78 Fifth Avenue, adjoining the southwest corner of Fourteenth Street, 30x107, has been sold by Frederick Brown to an investing client of Osgood, Pell & Co. Mr. Brown has been asking \$300,000 for the property. In part payment the seller takes a ninety-acre property at Ridgefield, Conn., with a modern two-story residence, containing fourteen rooms and three baths, including four master bedrooms. It is situated near the summit of Barrack Hill and has a three-acre frontage on Lake Manassas.

Horace S. Ely & Co. sold for the Edward H. Van Ingen estate the former four dwelling houses at 4 to 16 West Twenty-first Street, which have been altered for business purposes.

Co. represented Ray Hoffman, the buyer. This is the first sale to be made by the Van Ingen executors since the death of Mr. Van Ingen a few months ago, and is an indication of the policy of his executors to disperse his extensive real estate holdings.

Among the more important properties understood to be pending are the Sheridan Building at Broadway and Thirty-sixth Street, the Holland Building at Broadway, Fortieth and Forty-first Streets and a Fifth Avenue corner opposite Senator Clark's residence at Seventy-second Street.

N. A. Berwin & Co. sold for Halsey & Swift to Paul L. Kiernan, the office building, 37 East Sixtieth Street, with a frontage of twenty feet. Ruland & Whiting-Benjamin Company sold for Host, the five-story street and left 14 East Forty-eighth Street.

Alfred P. Coburn leased 127 West Seventy-second Street, for James E. Fay, a client of Edward J. Welling, for twenty-one years at an aggregate rental of \$235,000 to the 127 West Seventy-second Street Corporation. The building will be altered into stores and apartments. Mr. Coburn has been appointed managing agent.

Hooven Building in New Hands

William S. Sussman, Inc., sold for the Hooven Service Corporation the leasehold on the Hooven Building, 119 West Forty-sixth Street, a newly constructed seven-story office building, to Otto Brunschwiler. The transaction was for all cash and involved the \$250,000. Sussman, Inc., has been appointed managing agent.

Drug Corporation to Pay Big Rental for Heights Corner

The National Drug Stores Corporation will pay between \$500,000 and \$600,000 in rentals for the two-story building with stores at the southeast corner of St. Nicholas Avenue and 181st Street, at the entrance to the subway station. The drug company leased the property, 100 feet on the avenue and 25 feet on the street, from Melville H. Burns for twenty-one years through M. & L. Hess, Inc. It will use the corner store for a branch and rent the remainder of the building, together with the roof-sign privilege.

Hotel Albarbaro, on Broadway

Campbell & Boland leased the Hotel Albarbaro at Broadway and Fifty-fourth Street, until 1940, for an aggregate rental of over \$300,000. It is the intention of the lessees to remodel two hundred of the rooms into single room suites, catering to business men. Charles C. Ruff was the broker.

\$1,000,000 Building in Fifth Avenue Zone in New Hands

Realty Company Pays Max Natanson His Price for New 12-Story Structure in West Thirtieth Street

Max N. Natanson has sold to the Weichman-Harte Realty Company the five-story loft and business building at 8 to 14 West Thirtieth Street, on a plot, 100x100.

The building is one of the newest buildings in the neighborhood and is fully rented for over \$120,000. The property was held for \$1,000,000 and was sold in an all-cash transaction. Byrne & Bowman were the brokers in the transaction.

\$500,000 Rental for Broadway Space for Chinese Restaurant

C. William Lynch, of Dwight, Archibald & Perry, Inc., leased for Louis K. Liggett Company the second floor, 1604 Broadway and 732 Seventh Avenue, to Chin Lee, of Providence, R. I., who, after extensive alterations, will occupy as a Chinese and American restaurant. The rental aggregates about \$500,000.

\$225,000 72nd Street Lease

Alfred P. Coburn leased 127 West Seventy-second Street, for James E. Fay, a client of Edward J. Welling, for twenty-one years at an aggregate rental of \$235,000 to the 127 West Seventy-second Street Corporation. The building will be altered into stores and apartments. Mr. Coburn has been appointed managing agent.

Stranded Submarine Floated

WESTERLY, R. I., March 18.—The submarine N-2, which ran on Watch Hill reef while maneuvering yesterday, was hoisted early today and taken in tow for the New London submarine base. She was apparently undamaged, according to word from the Coast Guard cutter Aqueduct, one of the vessels which assisted in freeing her from the ledge.

Milliner Buys Apartment in Madison Avenue

Property Bought From Sigmund Lustgarten Estate; Other Trading in Flats

Nettie Gordon, milliner, bought from the estate of Sigmund Lustgarten, the five-story store and apartment 662 Madison Avenue. Mark Rafalsky & Co. were the brokers. The purchaser was represented by Otterbourg, Steindler & Houston. In the last few months many private homes and apartments in this locality have been taken over by business firms or have been altered into store and office buildings.

Pope & Bro. sold for Harry Helfer

45 and 47 West Eighth Street, two four-story buildings, 28x94 each, to Samuel Bookman, who will alter them into studio apartments or lease for a long term to one tenant. The seller bought the property about two months ago through the same brokers.

Edward Baer bought from Ignatz Roth the five-story tenement at 246 West Sixty-second Street, 25x100. John Finck was the broker.

The Fischer Realty Company sold the southwest corner of Second Avenue and 16th Street, four tenements, 100x137, for the estate of Jacob Meyer.

Old Bronx Tseater Sold

Frank W. Storrs purchased from Henry Rosenberg the Metropolitan Theatre at 1424 Street, Third Avenue, under Avenues, said to have been the first theatre built in the Bronx. The seating capacity is 1,500. Mr. Storrs will alter it and devote it to motion pictures. Saul J. Baron was the broker.

\$300,000 Loan on Flat

Lawrence, Blake & Jewell arranged a first mortgage of \$300,000 at 6 per cent for ten years upon the ten-story apartment 45 East Sixty-second Street, which was recently sold to a tenant group by Douglas L. Elliman & Co.

Many More Business Firms Get Space in Midtown Section

Pease & Elliman have leased offices in the new Canadian Pacific Building at Forty-fifth Street and Madison Avenue, to Brach & Blanchard, of Hartford, and to the International Exposition Company.

Tucker, Speyers & Co. leased for the Hubert Grand Hotel Company the store in the Grand Hotel, southeast corner of Thirty-first Street and Broadway, to the New York Manufacturing Company.

Albert B. Ashforth, Inc., leased the second floor, 33 Grand Street, to the Auto Supply Service Corporation.

The Brett & Goode Company leased the store and basement 734-6's Tenth Avenue to the Luthy Sales Supply Company, Inc., and a floor to the Arrow Metal Bed Corporation; a floor at 13-15 West Forty-fifth Street to the Hummel Supply Company, Inc.

Harris, Vought & Co. leased an office at 81 Nassau Street to Burgess & Benjamin, lots at 407 Broadway to Chertok, Paley & Co., Zuckerman and Abraham Lubing, and at 6 East Forty-sixth Street to J. Di Pretoro.

D. Kemper & Son, Inc., leased office in the Columbia Trust Building to David Berdon & Co. and the building southwest corner of Third and Wooster Streets to A. Garber & Son.

Charles F. Noves Company leased for William E. Williams the building 245 Fulton Street to Charles W. Leveridge, Inc., and for William P. Goffman the building 167 Front Street to Thomas E. Richter for ten years at an aggregate rental of approximately \$50,000, subject to tenant paying taxes, assessments and insurance.

M. Rosenthal Company leased to Greater Art Embroidery Company the second floor at 141 West Twenty-second Street; to Aetna Dress Company, third floor at 145-147 West Twenty-seventh Street; to Lieberman Bros., fifth floor at 30-32 West Twenty-first Street, and to A. Fuchs & Katz, seventh floor at 19 East Seventeenth Street.

J. Arthur Fischer leased the store and basement 626 Sixth Avenue to Herman Stahl for a restaurant.

The Real Estate Management Company leased the three-story building 253 East Twentieth Street for the estate of John Foster to the Cyclone Carpet Cleaning Company.

Tankows, Smith & Co. leased to Pace & Pace the upper four floors at 62 Dey Street.

To Improve Big Bronx Site

Spotts & Starr, Inc., sold for the Central Union Trust Company and Frederick Johnson, trustees of the George F. Johnson estate, the vacant plot on the south side of Westchester Avenue, from Hewitt Place to Stebbins Avenue, fronting 243 feet on Westchester Avenue, 169 feet on Stebbins Avenue and 98 feet on Hewitt Place.

The purchaser is the Masdur Construction Company, Rudolph Masdur, president, which will improve the property with a one-story stone building.

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Cecil S. Ashdown Purchases Estate on Pelham Manor Road

Fish & Marvin sold for Mrs. Carolyn Eaton a plot comprising about three-quarters of an acre having a frontage of 200 feet on Pelham Manor, and on which there are a garage and stable. Cecil S. Ashdown, of this city, after extensive improvements and alterations, will occupy the property.

Fish & Marvin also sold for the John T. Brook Company a Colonial house on Manor Lane, at Pelham Manor, now occupied by Harold Butt, to Gilbert E. O. Bell, formerly of New Rochelle. The property was held at \$18,000.

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